



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/723,707

11/26/2003

Robert E. Rodgers JR.

53358/P006US

7840

7590

10/04/2006

Thomas Kelton  
Fulbright & Jaworski L.L.P  
Suite 2800  
2200 Ross Avenue  
Dallas, TX 75201

EXAMINER

CROW, STEPHEN R

ART UNIT

PAPER NUMBER

3764

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/723,707	RODGERS, ROBERT E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Steve R. Crow	3764	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Steve R. Crow. (3) Mark Delflache.  
 (2) Robert Rodgers. (4) \_\_\_\_\_

Date of Interview: 24 August 2006.

Type: a) ☐ Telephonic b) ☐ Video Conference  
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: Claims of record. See the attached claims.

Identification of prior art discussed: Art of record.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.


Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Claim language was proposed to overcome potential rejections with respect to Lull, Ohrt and the prior art.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

STEPHEN R. CROW  
 PRIMARY EXAMINER  
 ART UNIT 332

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

## ATTACHMENT D

U.S. Serial No. 10/723,707  
F&J Reference: P006US (10608115)  
Client Reference: 906

535. (Proposed Amendment) A ~~variable stride~~ stationary exercise apparatus;  
comprising:

a frame;

a crank system coupled to the frame;

~~a foot member coupled to the crank system, wherein the foot member comprises a~~  
~~footpad;~~

~~a variable stride system coupled to the foot member such that at least a portion of the~~  
~~variable stride system is under at least a portion of the footpad, wherein the variable stride~~  
~~system is configured to allow a user of the apparatus to vary the length of the user's stride during~~  
~~use of the apparatus;~~

~~wherein the apparatus is configured such that a foot of the user can travel in a~~  
~~substantially curvilinear path during use of the apparatus; and~~

~~wherein the apparatus is configured such that at least a portion of the apparatus remains~~  
~~substantially stationary during use.~~

a left movable member coupled to the crank system;

a right movable member coupled to the crank system;

a left foot member operatively associated with a left foot pad;

a right foot member operatively associated with a right foot pad;

a left cam system having a left cam surface and a left cam follower contacting the left  
cam surface wherein the left cam system couples the left movable member to the left foot  
member; and

a right cam system having a right cam surface and a right cam follower contacting the  
right cam surface wherein the right cam system couples the right movable member to the right  
foot member.

wherein the feet of the user imparting forces on the left and right foot members in  
cooperation with the right cam system and the left cam system may vary the stride substantially  
instantaneously, and

wherein the apparatus is configured such that the feet of the user may travel in a substantially curvilinear path.

769. (New) A stationary exercise apparatus comprising:

a frame;

a crank system coupled to the frame;

a left arm link coupled to the frame;

a right arm link coupled to the frame;

a left foot member operatively associated with a left foot pad, said left foot pad having a forward end and a rearward end;

a right foot member operatively associated with a right foot pad, said right foot pad having a forward end and a rearward end;

a left cam coupled to the crank system so that at least a portion of the left cam is ahead of the rearward end of the left foot pad and behind the forward end of the left foot pad at some time during use; and

a right cam coupled to the crank system so that at least a portion of the right cam is ahead of the rearward end of the right foot pad and behind the forward end of the right foot pad at some time during use,

wherein the feet of the user imparting forces on the left and right foot members in cooperation with the left cam and the right cam may vary the stride substantially instantaneously, and

wherein the left foot member is coupled through the left cam to the crank system and the right foot member is coupled through the right cam to the crank system, the apparatus being configured such that the feet of the user may travel in a substantially curvilinear path.

770. (New) A stationary exercise apparatus comprising:

a frame;

a crank system coupled to the frame;

a left movable member connected, and generally vertically adjustable, at one end of the left movable member to the frame and coupled to the crank system at another portion of the left movable member, so that the user may move the connection of the left movable member at the frame during operation of the apparatus;

a right movable member connected, and generally vertically adjustable, at one end of the right movable member to the frame and coupled to the crank system at another portion of the right movable member, so that the user may move the connection of the right movable member at the frame during operation of the apparatus;

a left foot member operatively associated with a left foot pad;

a right foot member operatively associated with a right foot pad;

a left cam system having a left cam surface and a left cam follower contacting the left cam surface, the left cam system operatively associated with the left movable member and the left foot member so that during use of the apparatus the left cam follower may move across the left cam surface allowing the left foot of the user imparting a force on the left foot member in cooperation with the left cam system to vary the stride substantially instantaneously; and

a right cam system having a right cam surface and a right cam follower contacting the right cam surface, the right cam system operatively associated with the right movable member and the right foot member so that during use of the apparatus the right cam follower may move across the right cam surface allowing the right foot of the user imparting a force on the right foot member in cooperation with the right cam system to vary the stride substantially instantaneously,

wherein the apparatus is configured such that the feet of the user may travel in a substantially curvilinear path.

771. (New) A stationary exercise apparatus comprising:

a frame;

a crank system coupled to the frame;

a left movable member pivotally coupled to the crank system;

a right movable member pivotally coupled to the crank system;

a left foot member operatively associated with a left foot pad;

a right foot member operatively associated with a right foot pad;

a left cam system having a left cam surface and a left cam follower contacting the left cam surface, the left cam system operatively associated with the left movable member and the left foot member so that during use of the apparatus the left cam follower may move across the left cam surface allowing the left foot of the user imparting a force on the left foot member in cooperation with the left cam system to vary the stride substantially instantaneously; and

a right cam system having a right cam surface and a right cam follower contacting the right cam surface, the right cam system operatively associated with the right movable member and the right foot member so that during use of the apparatus the right cam follower may move across the right cam surface allowing the right foot of the user imparting a force on the right foot member in cooperation with the right cam system to vary the stride substantially instantaneously,

wherein the apparatus is configured such that the feet of the user may travel in a substantially curvilinear path.